

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|----------------------------------|---|--------------------------------|
| NAIKER ALVIAREZ INDIVIDUALLY AND | § | |
| ON BEHALF OF THE ESTATE OF JUAN | § | |
| FUENMAYOR, | § | CIVIL ACTION NO. 4:22-CV-00376 |
| <i>Plaintiff,</i> | § | JURY |
| | § | |
| v. | § | |
| | § | |
| GOYA FOODS, INC., | § | |
| <i>Defendant.</i> | § | |

GOYA FOODS, INC.'S
STATEMENT CONCERNING REMOVAL

Pursuant to the Court's Order in Removed Cases (Doc. #2), Goya Foods, Inc. provides the following requested information concerning removal:

1) Goya Foods, Inc. first received a copy of the citation and Plaintiff's Amended Petition for Temporary Restraining Order on November 22, 2021. Former defendant KDW, Ltd.¹ first received a copy of the citation and Plaintiff's Amended Petition for Temporary Restraining Order on November 19, 2021.²

- 2) a. Defendant Goya Foods, Inc. is a citizen of Delaware (state of incorporation) and New Jersey (state of principal office).
- b. Plaintiff resides in the State of Texas and, on information and belief, is a citizen of Texas.
- c. Decedent was a non-resident alien residing in Texas and was a citizen of Venezuela.
- d. Former defendant KDW, Ltd. is a citizen of Texas that was dismissed with prejudice from the state court action prior to removal.

¹ KDW, Ltd. was dismissed with prejudice from the state court case prior to Goya Foods, Inc. removing the action to federal court.

² This was the first pleading served on Goya Foods, Inc. and KDW, Ltd. Plaintiff did not serve Goya Foods, Inc. or KDW, Ltd. with her Petition for Temporary Restraining Order or her Supplement to Petition for Temporary Restraining Order.

3) Plaintiff's Amended Petition for Temporary Restraining Order alleges "that the aggregate monetary relief sought is over \$1,000,000."

4) Not applicable.

5) None.

DATED: February 18, 2022.

Respectfully submitted,

By: /s/ Marcy Lynn Rothman
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent to all known counsel pursuant to the Federal Rules of Civil Procedure on this the 18th day of February, 2022.

/s/ Marcy Lynn Rothman

Marcy Lynn Rothman